

**There is a lot of confusion about red flag laws. This will clear it up:**

**What policy are you actually endorsing?**

**Contrary to the comments being made, I have not endorsed any specific bill or state law.** I have always said that we must have a conversation about how to better protect our communities. I simply suggested red flag laws as a part of that conversation so long as [robust due process](#) is protected. We must address mass shootings and mental illness while safeguarding our Constitutional rights.

**You said you would protect the 2nd Amendment!**

I have said that should we consider red flag laws, they must have robust due process protections in place. In no way does that infringe on the 2nd Amendment, since it would not be blanket restriction of gun ownership on law-abiding citizens. I have been one of the leading voices against H.R. 8 (universal background checks), AR-15 bans, and every other blatant infringement on the 2nd Amendment. To say otherwise is to ignore my history and voting record.

**Red flag laws ignore due process.**

Any proposal I would support would have to have clear provisions protecting due process. Anything that would deprive citizens of their rights would not be acceptable.

**These laws are confiscation via accusation, and not investigation. Now anyone can make an accusation and remove someone's guns!**

This is not true. An accusation alone would never be enough to confiscate weapons. Again, conservatives should only support red flag laws if robust due process protections are in place. Multiple points of clear and convincing evidence that a person is a threat, and punishment for false accusations would be required as safeguards.

**What about false reporting that could erroneously take peoples guns?**

Penalties for false reporting will protect against this. This is a legitimate fear and must be accounted for. Today's world is a vitriolic place. Just because someone doesn't like you for your politics or whatever it may be, it doesn't mean they can report you for no reason.

**Red flag laws infringe on lawful gun ownership.**

Red flag laws are not different from current laws that prohibit those convicted of domestic violence; subject to a court order for harassing, stalking, or threatening their partner; adjudicated mentally defective; or dependent on certain drugs from owning guns. Whereas current federal prohibitions are for history, state red flag laws address threats a court has found to be viable.

**How can you trust government to implement this fairly? Activist judges, politically motivated government agencies – we've seen it before. This could lead to the targeting of conservatives.**

You don't have to. The law would need to be written clearly and explicitly protecting due process and high standards of evidence, so that you don't need to worry about activist

judges interpreting the law unfairly. Additionally, only people with standing could file a red flag, including close family and police. There is no ability for activist groups to begin filing red flags against people they don't like, because they do not have standing in court.

### **This is an infringement on the 2nd and 4th Amendment!**

The Constitution exists to protect your God-given rights, to include the right to defend your home with the weapon you choose. It is also true that the Constitution exists to protect you from others who wish to do you harm and infringe on your God-given rights - life, liberty, and property. When that threat occurs, it is the Constitutional role of government to prevent that injustice from happening. At the most basic level, this is the role of government. When someone decides to infringe on your rights, they have effectively given up their own rights (hence why we remove someone's liberty by putting them in jail when they commit crimes). Red flag laws are targeted at people who make those threats against your life, liberty, and property.

### **Veterans with PTSD will now fear getting their guns taken away, as will the mentally ill.**

A diagnosis of PTSD will never suffice as cause to remove weapons. For conservatives to support this, there would need to be a high standard of evidence which indicates the person is a threat. Having a mental illness or PTSD is not enough to indicate someone is a threat. This isn't how these laws work in practice now, and it is not how they would work in the future.

### **All red flag laws are the same – terrible.**

Some states already have red flag laws. Some are better than others.

Colorado, for example, imposes a temporary Extreme Risk Protection Order (EPRO) after a preponderance of evidence has been established. For the EPRO to last a year, a second hearing must be ordered within two weeks and clear and convincing evidence that the person poses a risk must be established. Clear and convincing evidence must be provided to extend or terminate. Delaware includes a provision that creates sanctions for false reporting. In Indianapolis the Indiana law has been used more than 600 times since 2005.

### **Red flags won't change anything when it comes to mass shootings.**

Wrong. Jared Lee Loughner, who shot Rep. Gabby Giffords made threats, was mentally unstable, and his parents confiscated his shotgun. Their fears could have been identified and subject to red flag laws.

The Southerland Springs shooter should have never been able to buy a gun because of his history of domestic violence and his military discharge, but red flags could have been used because he made threats against his mother-in-law and exhibited mentally unstable behavior.

The Marjory Stoneman Douglas shooter had threatening social media posts, displayed dangerous behavior and the ability to hurt himself and others. Multiple people called law enforcement with fears of his capability for violence.

Ultimately, red flag laws provide another option for concerned families (and doctors, or law enforcement officers depending on the law). While law enforcement can be notified of threaten behavior, current laws better equip them to respond to tragedies rather than take action to prevent them.

**You're a member in the U.S. House of Representatives, so you're advocating for federal red flag laws.**

I'm a member of the US House, but these are policies states would implement, not the federal government. As a conservative, I find that local government has better solutions for their communities – that's why there are multiple different versions of red flag laws.